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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/830,111

04/23/2004

Shahana Rahman

118445

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27074 7590 03/11/2008

OLIFF & BERRIDGE, PLC.

P.O. BOX 320850

ALEXANDRIA, VA 22320-4850

EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

03/11/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction27074@oliff.com

jarmstrong@oliff.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/830,111	<b>Applicant(s)</b> RAHMAN ET AL.	
	<b>Examiner</b> STEPHEN M. BRINICH	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/23/04</u> .   | 6) <input type="checkbox"/> Other: ____.                          |

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10830111	4/23/04	RAHMAN ET AL.	118445

OLIFF & BERRIDGE, PLC.  
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**EXAMINER**

STEPHEN M. BRINICH

ART UNIT	PAPER
2625	20080228

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

Stephen M Brinich  
Primary Examiner  
Art Unit: 2625

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-14, 16, & 18-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Micrografx Picture Publisher Limited Edition Reference Guide (referenced as "Micrografx Guide").

Re claims 1 & 20, Micrografx Guide discloses (pages 7-40 - 7-44) a system for forming a composite image in which an image source provides document image data and a digital graphic element (an image from the Windows Clipboard (page 7-40) or another graphic file (page 7-43)) is supplied by a user (by customizing the desired image and then placing the desired image in the Windows Clipboard or graphic file and then selecting the "Paste" or "Paste From" command. A composite image is then formed from the document image and the digital graphic element by a computer which executes the software described in the Micrografx Guide.

Re claims 2, 10, & 22, Micrografx guide discloses that the user-supplied digital graphic element (the Windows Clipboard or graphic file) is stored on a digital storage medium (the hard disk in the case of the Windows Clipboard; the hard disk, a floppy disk, a USB key, or any of several other well-known digital storage media in the case of a graphic file).

Re claims 3-5, 7, 9, 23-24, & 26, Micrografx guide discloses that the "Paste From" Edit menu (page 7-43) is a digital graphic element input interface usable to select (from a list with a plurality of "Clipboard" files) and input the above described digital graphic element. The attributes (e.g. size and scale, edge blending, transparency; pages 7-41 - 7-42) and position (see "To move a pasted image", page 7-43) may be selected and manipulated by the user.

Re claims 6 & 25, the "edge blending" adjustment inherently adjusts the contrast of the digital graphic element (as more blending is selected, there is less contrast at the edges where it adjoins the document image), and the "transparency" adjustment inherently adjusts the intensity of the digital graphic element (this element becomes less intense as the transparency level is increased).

Re claim 8, the above described "Paste From" Edit menu is separate and discrete from other menus (e.g. the "Print" menu) used in controlling the image forming device.

Re claims 11, 16, 19, & 28, Micrografx Guide discloses (page 7-10) an image sink (a printer output) for displaying and reproducing an output image (such as the composite image generated by the above described process).

Re claim 12, Micrografx guide discloses (pages 7-11 - 7-20) adjustments to the format of the output image (e.g. size, scale, dot gain) so as to be compatible with the capabilities of a printer (e.g. an image size within the limits of the printer output sheet, dot gain which can be reproduced by the printer without distortion).

Re claims 13-14, as noted above, the Micrografx guide discloses that the user-supplied digital graphic element (the Windows Clipboard or graphic file) is stored on a digital storage medium (the hard disk in the case of the Windows Clipboard; the hard disk, a floppy disk, a USB key, or any of several other well-known digital storage media in the case of a graphic file). In the case where the digital graphic element is supplied from storage integral to the computer (e.g. hard disk), the digital graphic element forming unit is part of the image forming device; in the case where the digital graphic element is

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supplied from external storage (e.g. floppy disk); the digital graphic element forming unit is a separate unit from the image forming device, coupled thereto to permit data transmission.

Re claims 18, 21, & 27, Micrografx Guide discloses (pages 7-26 - 7-31) the use of an image scanning device to obtain an image from a printed document and store it in digital form.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Micrografx Guide in view of Applicant's Description of Related Prior Art.

Re claims 15 & 17, Micrografx Guide discloses the use of the above described arrangement for forming a composite image in conjunction with a desktop publishing system (a computer connected to a printer and scanner).

Micrografx Guide does not disclose expressly the use of this arrangement for producing composite images in conjunction with photocopying or facsimile.

Applicant's Description of Related Prior Art discloses (paragraphs 0003-0004) the development of composite images in conjunction with photocopying, facsimile, and desktop publishing as related image-processing applications toward the same end (of producing a composite image and applying it as chosen by the user).

Micrografx Guide and Applicant's Description of Related Prior Art are combinable because they are from the field of composite image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to reproduce the image as processed as per Micrografx Guide via photocopying (e.g. scanning and laser printing, paralleling the photocopy process of scanning and using a laser to reproduce the image on a photosensitive drum) or facsimile (e.g. transmitting the image from the computer running the Micrografx software via fax modem to an intended recipient)

The suggestion/motivation for doing so would have been to enable the uses of a composite image described by Applicant's Description of Related Prior Art.



Therefore, it would have been obvious to combine Micrografx Guide with Applicant's Description of Related Prior Art to obtain the invention as specified in claims 15 & 17.

**Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Motosugi et al and Ueda et al disclose further examples of image composite formation.

6. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application, entry of papers into this application, or other any inquiries of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

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If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300.

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

/Stephen M Brinich/

Examiner, Art Unit 2625